

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID J. CATANZARO,	:	No. 1:22-CV-1754
	:	
Plaintiff	:	
	:	(Saporito, J.)
v.	:	
	:	(Caraballo, M.J.)
	:	
LYKART TECHNOLOGIES	:	
LLC, et al.,	:	
	:	
Defendants	:	

ORDER

Plaintiff David Catanzaro, proceeding *pro se*, commenced this action on November 11, 2022. Doc. 1. After receiving leave of the Court, on March 17, 2025, Catanzaro filed the live fifth amended complaint. Doc. 71. Since that time, the defendants requested and received extensions to respond to the fifth amended complaint. Docs. 75, 78–80, 92, 94. On May 6, 2025, defendants Apple Inc., Google LLC, YouTube LLC, and Mozilla Corporation¹ moved to file a joint motion to dismiss under Fed. R. Civ. P. 12(b)(6). Doc. 98. Catanzaro opposes the motion.

¹ Since the motion was filed, defendants Microsoft Corporation and Poshmark, Inc. were dismissed from this action.

Although Catanzaro contends the defendants occupy “fundamentally distinct legal and factual positions” (Doc. 104 at 1), all his claims involve common, overlapping questions of fact. For one, his first and third claims make generalized allegations against the defendants as a whole, and do not allege with any particularity what facts apply to whom. Doc. 71 at 6–7, 8–9. At a minimum, this indicates the facts involved overlap and potential evidence may be similarly situated. Second, as Catanzaro admits in his brief opposing the motion, his claims against Apple and Mozilla are contingent on his patent infringement claims against Google, which by extension applies to Google’s subsidiary YouTube. Doc. 104 at 3–5. Once again, this at a minimum means the facts involved in the claims against the moving defendants overlap and potential evidence may be similarly situated. Taken together, these factors weigh in favor of permitting coordinated briefing.

Finally, it is not lost on the Court that after over two and one half years of litigation, the pleadings in this litigation have not yet closed, with Catanzaro filing numerous amended complaints. Where possible,

civil actions should be “just, speedy, and inexpensive.” Fed. R. Civ. P. 1. A consolidated briefing under these circumstances serves that purpose.

Accordingly, it is **ORDERED** that the Motion for a Coordinated Rule 12 Briefing (Doc. 98) is **GRANTED**, as follows:

1. Defendants have up to 40 pages for their joint opening brief;
2. Plaintiff has up to 40 pages for his responsive brief;
3. Defendants have up to 15 pages for their joint reply brief, in addition to five more pages for each defendant to address any defendant-specific issues raised in plaintiff's response brief.

Dated: June 10, 2025

s/ Phillip J. Caraballo
Phillip J. Caraballo
United States Magistrate Judge